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## SENATE BILL No. 103

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-8.1-3.

**Synopsis:** Attendance officers. Requires the appointment of an attendance officer in all school corporations. Allows two or more school corporations that each have attendance of less than 1,500 pupils to enter into an agreement to jointly appoint an attendance officer. Provides that an attendance officer may perform only the duties of an attendance officer and may not hold another position within the school corporation. Repeals a provision specifying that a school corporation's superintendent is the attendance officer if an attendance officer is not otherwise appointed.

**Effective:** July 1, 2005.

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January 4, 2005, read first time and referred to Committee on Education and Career Development.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 103

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-8.1-3-4 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. ~~Attendance Officers;~~  
3       ~~Appointment in Completely Reorganized Counties:~~ (a) In a county  
4       which has been completely reorganized into one (1) or more school  
5       corporations under ~~IC 1971, 20-4-1, IC 20-4-1~~, the governing body of  
6       each school corporation with ~~fifteen~~ **at least one thousand five**  
7       hundred (1,500) ~~or more~~ pupils in average daily attendance shall  
8       appoint an attendance officer. The governing body of each school  
9       corporation which has less than ~~fifteen~~ **one thousand five** hundred  
10      (1,500) pupils in average daily attendance ~~may~~ **shall** appoint an  
11      attendance officer ~~If the governing body of a school corporation which~~  
12      ~~has discretion in whether or not to appoint an attendance officer~~  
13      ~~declines to make an appointment; the superintendent of the school~~  
14      ~~corporation shall serve as ex officio attendance officer under section 7~~  
15      ~~of this chapter: under section 8 or 9 of this chapter.~~  
16      (b) When the governing body of a school corporation makes an  
17      appointment under this section, it shall appoint an individual

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1 nominated by the superintendent. However, the governing body may  
 2 decline to appoint any nominee and require another nomination. The  
 3 salary of each attendance officer appointed under this section shall be  
 4 fixed by the governing body. In addition to salary, ~~he the attendance~~  
 5 **officer** shall receive reimbursement for actual expenses necessary for  
 6 ~~him the attendance officer~~ to properly perform ~~his the attendance~~  
 7 **officer's** duties. The salary and expenses of an attendance officer  
 8 appointed under this section shall be paid by the treasurer of the school  
 9 corporation.

10 **(c) An attendance officer appointed under this section:**

11 **(1) may perform only the duties set forth in section 11 of this**  
 12 **chapter; and**

13 **(2) may not hold another position within the school**  
 14 **corporation.**

15 SECTION 2. IC 20-8.1-3-5 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. ~~Attendance Officers;~~  
 17 ~~Certain Counties; Appointment in Separate Attendance Districts. (a)~~  
 18 In a county which has not been completely reorganized under ~~IC 1971,~~  
 19 ~~20-4-1, IC 20-4-1,~~ IC 20-4-1, the governing body of each school corporation  
 20 which constitutes a separate attendance district under section 3 of this  
 21 chapter shall appoint an attendance officer. One **(1)** additional  
 22 attendance officer may be appointed for every seven thousand five  
 23 hundred (7,500) pupils in average daily attendance in the corporation.

24 **(b)** When the governing body of a school corporation makes an  
 25 appointment under this section, it shall appoint an individual  
 26 nominated by the superintendent. However, the governing body may  
 27 decline to appoint any nominee and require another nomination. The  
 28 salary of each attendance officer appointed under this section shall be  
 29 fixed by the governing body. In addition to salary, the **attendance**  
 30 officer shall receive reimbursement for actual expenses necessary for  
 31 ~~him the attendance officer~~ to properly perform ~~his the attendance~~  
 32 **officer's** duties. The salary and expenses of an attendance officer  
 33 appointed under this section shall be paid by the treasurer of the county  
 34 in which the **attendance** officer serves, on a warrant signed by the  
 35 county auditor. The county council shall appropriate, and the board of  
 36 commissioners shall allow, the funds necessary to make these  
 37 payments. However, no warrant shall be issued to an attendance officer  
 38 until ~~he the attendance officer~~ has filed an itemized statement with the  
 39 county auditor. This statement shall show the time employed and  
 40 expenses incurred; it shall be approved and certified correct by the  
 41 superintendent.

42 **(c) An attendance officer appointed under this section:**

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(1) may perform only the duties set forth in section 11 of this chapter; and

(2) may not hold another position within the school corporation.

SECTION 3. IC 20-8.1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~Attendance Officers; Appointment in Remainder Attendance Districts.~~ (a) In a county which has not been completely reorganized under ~~IC 1971, 20-4-1, IC 20-4-1,~~ all school corporations which do not individually constitute separate attendance districts under section 3 of this chapter shall together constitute a remainder attendance district. The governing bodies of each remainder attendance district with ~~fifteen~~ **at least one thousand five** hundred (1,500) ~~or more~~ pupils in average daily attendance shall appoint an attendance officer. One **(1)** additional attendance officer may be appointed for every seven thousand five hundred (7,500) pupils in average daily attendance in the district. The governing bodies of a remainder attendance district with less than ~~fifteen~~ **one thousand five** hundred (1,500) pupils in average daily attendance ~~may~~ **shall** appoint an attendance officer ~~If the governing bodies have discretion in whether or not to appoint an attendance officer and decline to make an appointment, the superintendent or superintendents involved shall serve as ex officio attendance officers under section 7 of this chapter.~~ **under section 8 or 9 of this chapter.**

(b) The governing bodies of the school corporations involved shall together form an appointing authority for attendance officers with the governing body of each school corporation having one (1) vote. This appointing authority shall appoint an individual nominated by the superintendent. However, the appointing authority may reject any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the appointing authority. In addition to salary, the **attendance** officer shall receive reimbursement for actual expenses necessary for ~~him~~ **the attendance officer** to properly perform ~~his~~ **the attendance officer's** duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the **attendance** officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of commissioners shall allow, the funds necessary to make these payments. However, no warrant shall be issued to an attendance officer until ~~he~~ **the attendance officer** has filed an itemized statement with the county auditor. This statement shall show the time employed and expenses incurred; it shall be approved and certified correct by the appropriate superintendent.

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**(c) An attendance officer appointed under this section:**

**(1) may perform only the duties set forth in section 11 of this chapter; and**

**(2) may not hold another position within the remainder attendance district.**

SECTION 4. IC 20-8.1-3-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) This section applies to a county having a population of:

(1) more than twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200); or

(2) more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(b) Notwithstanding sections 5 and 6 of this chapter, in a county that has not been completely reorganized under IC 20-4-1, the governing body of each school corporation constituting a separate attendance district under section 3 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) pupils in average daily attendance in the school corporation. The governing body of each school corporation that does not individually constitute a separate attendance district ~~may~~ **shall** appoint an attendance officer **under section 8 or 9 of this chapter.**

(c) If the governing body of the school corporation makes an appointment under this section, it shall appoint an individual who is nominated by the superintendent of the school corporation. However, the governing body may decline to appoint a nominee and may require another nomination to be made by the superintendent. ~~If the governing body has discretion in whether to appoint an attendance officer under subsection (b) and declines to make an appointment, the superintendent of the school corporation involved shall serve as ex officio attendance officer under section 7 of this chapter.~~

(d) The salary, including fringe benefits, of each attendance officer appointed under this section shall be fixed by the governing body of the school corporation and shall be paid by the treasurer of the school corporation.

(e) Each attendance officer appointed under this section is entitled to receive reimbursement from the school corporation for the actual and necessary expenses incurred by the attendance officer in the proper performance of the attendance officer's duties.

**(f) An attendance officer appointed under this section:**

**(1) may perform only the duties set forth in section 11 of this chapter; and**

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**(2) may not hold another position within the school corporation.**

SECTION 5. IC 20-8.1-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. ~~Joint Employment of Attendance Officer.~~ **(a)** The governing bodies of two **(2)** or more school corporations **that each have less than one thousand five hundred (1,500) pupils in average daily attendance** may enter into a voluntary mutual agreement for the joint employment of an attendance officer. The agreement shall stipulate the manner in which the joint attendance officer shall be appointed, paid, and supervised. The attendance officer may then be appointed, paid, and supervised under the terms of the agreement. However, compensation for any attendance officer employed under this section shall be paid entirely by the school corporations involved with no assistance from the civil government.

**(b) An attendance officer appointed under this section:**

**(1) may perform only the duties set forth in section 11 of this chapter; and**

**(2) may not hold another position within a school corporation that enters into an agreement under this section.**

SECTION 6. IC 20-8.1-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. ~~Attendance Officer; Appointment in Optional Separate District.~~ **(a)** The governing body of a school corporation which has less than ~~fifteen~~ **one thousand five hundred (1,500) pupils in average daily attendance** may organize the school corporation as a separate attendance district and appoint an attendance officer. The governing body, in making the appointment, shall appoint an individual nominated by the superintendent. However, it may decline to appoint any nominee and require another nomination. All compensation for an attendance officer appointed under this section shall be paid by the treasurer of the school corporation in which ~~he~~ **the attendance officer** is employed.

**(b) An attendance officer appointed under this section:**

**(1) may perform only the duties set forth in section 11 of this chapter; and**

**(2) may not hold another position within the school corporation.**

SECTION 7. IC 20-8.1-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. ~~With the exception of ex officio attendance officers,~~ No person may hold the position of attendance officer unless ~~he~~ **the person** has complied with all standards of the professional standards board and has been properly

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1 licensed by that body.  
2 SECTION 8. IC 20-8.1-3-14 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. The state board of  
4 education shall exercise general supervision by resolution over the  
5 attendance system of the state. The state board of education may adopt  
6 rules pertaining to the state attendance system and the enforcement of  
7 this chapter in accordance with IC 4-22-2. ~~With the exception of ex~~  
8 ~~officio attendance officers,~~ The state board of education may remove  
9 any local attendance officer.  
10 SECTION 9. IC 20-8.1-3-7 IS REPEALED [EFFECTIVE JULY 1,  
11 2005].

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